

SENATE RULE 11.11 SUSPENDED

On motion of Senator Carriker and by unanimous consent, Senate Rule 11.11 was suspended in order that the Subcommittee on Elections and Ethics might meet to consider the following bills today:

S.B. 1164

S.B. 1233

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Barrientos gave notice that he would tomorrow at the conclusion of Morning Call submit to the Senate for consideration nominations to agencies, boards and commissions of the State.

CONGRATULATORY RESOLUTIONS

H.C.R. 111 - (Carriker): Extending congratulations to Foard County on the 100th anniversary of the county's founding.

S.R. 525 - By Sims: Extending congratulations to Ken and Nancy Luce on the birth of their son, Kenneth Robert Luce.

S.R. 526 - By Sims: Extending congratulations to Brad Adcox of Fredericksburg on achieving the rank of Eagle Scout.

S.R. 528 - By Brown, Armbrister, Ellis: Declaring Tuesday, April 16, 1991, as Fort Bend County Day.

S.R. 529 - By Haley: Extending congratulations to Acme Brick of Garrison on the grand occasion of its centennial anniversary.

S.R. 530 - By Haley: Extending congratulations to members of the Texas Health Care Association, the Texas Association of Homes for the Aging and the Texas Association of Retirement Communities on their implementation of initial training programs for nurse's aides.

ADJOURNMENT

On motion of Senator Parker, the Senate at 12:25 p.m. adjourned until 11:00 a.m. tomorrow.

FORTY-SIXTH DAY
(Tuesday, April 16, 1991)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Krier, Leedom, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Sibley, Sims, Tejeda, Truan, Turner, Whitmire, Zaffrini.

A quorum was announced present.

The Reverend Dr. Jerry Hurst, Southminister Presbyterian Church, Missouri City, offered the invocation as follows:

Eternal Lord of our faith and practice, grant to the Members and staff of this governing body a quiet moment before they begin the duties of the day. Save this moment, O God, from being merely a gesture to custom or convention, and make it a real opportunity for Your grace and light to shine through. Let these men and women not think, when this prayer is through, that their dependence upon You is over; that Your counsel is not needed beyond this point. From this holy interlude may there flow light and joy and power that will remain with them until the close of day shall bring Your benediction, "Well done, good and faithful servant." May You be the unseen delegate who votes through these elected officials that what they say and what they do may be in accordance with Your will for this great state of Texas and for the people who call it home. These things we ask in Your holy name and for Your sake. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

CO-AUTHOR OF SENATE BILL 112

On motion of Senator Moncrief and by unanimous consent, Senator Green will be shown as Co-author of S.B. 112.

CO-AUTHOR OF SENATE BILL 383

On motion of Senator Carriker and by unanimous consent, Senator Lucio will be shown as Co-author of S.B. 383.

CO-AUTHORS OF SENATE BILL 782

On motion of Senator Harris of Tarrant and by unanimous consent, Senators Leedom and Lucio will be shown as Co-authors of S.B. 782.

MESSAGE FROM THE HOUSE

House Chamber
April 16, 1991

HONORABLE BOB BULLOCK
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 1578, Relating to the commission of special game wardens by the director of the Parks and Wildlife Department.

H.B. 1029, Relating to the creation of the International Trade Commission and the Texas-Mexico Authority advisory committee and to the membership and duties of the governing board of the Texas Department of Commerce.

H.B. 1694, Relating to franchise agreements between suppliers and dealers selling certain farm, industrial, and outdoor power equipment.

H.B. 1214, Relating to payment for the expenses of corrective action from the petroleum storage tank remediation fund performed in response to a release from a petroleum storage tank and to recovery of such costs from eligible owners or operators of tanks.

H.B. 1184, Relating to an emergency appropriation to the Texas Agricultural Experiment Station for regulatory services relating to the Africanized bee.

H.B. 1083, Relating to the creation and operation of the Texas Child-Care Facility Liability Pool.

H.B. 982, Relating to increasing the student medical services fees at Texas Tech University.

H.B. 861, Relating to the payment of costs associated with a doctor's appearance for the state at criminal proceedings arising from a sexual assault.

H.B. 142, Relating to a requirement that employees of multi-occupant residences disclose certain background information at the time of employment; providing a criminal penalty.

H.C.R. 199, Declaring April 16, 1991, to be Mount Pleasant Day in Texas.

H.C.R. 200, Congratulating the Tiger Dolls of Mount Pleasant High School on their prize-winning performances at the Showtime Drill Team Competition.

S.C.R. 101, Declaring Armed Forces Day and Armed Forces Week as a time to pay tribute to the men and women who have shown exemplary discipline, spirit, and perseverance in defending our heritage.

Respectfully submitted,

BETTY MURRAY, Chief Clerk
House of Representatives

PERMISSION TO INTRODUCE BILLS

Senator Brooks moved to suspend Article III, Section 5 of the Texas Constitution and Senate Rule 7.07(b) to permit the introduction of the following bills:

S.B. 1492	S.B. 1516
S.B. 1514	S.B. 1517
S.B. 1515	S.B. 1518

The motion prevailed by the following vote: Yeas 31, Nays 0.

BILLS AND RESOLUTION SIGNED

The President announced the signing in the presence of the Senate, after the captions had been read, the following enrolled bills and resolution:

S.C.R. 26
S.B. 114
S.B. 152
H.B. 281
H.B. 398

CAPITOL PHYSICIAN

Senator Dickson was recognized and presented Dr. George Bartels of Temple.

Dr. Bartels, participating in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, was welcomed by the Senate and received an expression of gratitude for his service today.

REPORTS OF STANDING COMMITTEES

Senator Truan, Acting Chair, submitted the following report for the Committee on Health and Human Services:

S.B. 1178

Senator Brooks submitted the following report for the Committee on Health and Human Services:

C.S.S.B. 865

Senator Dickson submitted the following report for the Committee on Economic Development:

S.J.R. 35
H.B. 936
S.B. 519 (Amended)
C.S.S.B. 235
C.S.H.B. 486

Senator Montford submitted the following report for the Committee on Finance:

S.B. 787
C.S.S.B. 1108
C.S.S.B. 1193
C.S.S.B. 715
C.S.S.B. 1195
C.S.S.B. 1189
C.S.S.B. 101
C.S.S.J.R. 34

Senator Lyon submitted the following report for the Committee on Criminal Justice:

C.S.S.B. 303
C.S.S.B. 563
C.S.S.B. 427
C.S.S.B. 426

Senator Green submitted the following report for the Committee on Jurisprudence:

H.B. 627
H.B. 626
S.B. 1130
S.B. 1175
H.B. 596
C.S.S.B. 512

(Senator Brooks in Chair)

GUESTS PRESENTED

Senator Turner was recognized and introduced a delegation from the Tomball Chamber of Commerce.

The Senate welcomed these guests.

HOUSE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions received from the House were read the first time and referred to the Committee indicated:

H.C.R. 119, To Committee on Administration.
H.C.R. 121, To Committee on Administration.
H.B. 43, To Committee on Education.

H.B. 44, To Committee on Criminal Justice.
H.B. 63, To Committee on State Affairs.
H.B. 233, To Committee on State Affairs.
H.B. 270, To Committee on Economic Development.
H.B. 460, To Committee on Jurisprudence.
H.B. 463, To Committee on Jurisprudence.
H.B. 847, To Committee on Natural Resources.
H.B. 885, To Committee on Criminal Justice.
H.B. 960, To Committee on Criminal Justice.
H.B. 989, To Committee on Intergovernmental Relations.
H.B. 1176, To Committee on Natural Resources.
H.B. 1181, To Committee on Natural Resources.
H.B. 1354, To Committee on Jurisprudence.
H.B. 1851, To Committee on Intergovernmental Relations.

SENATE BILLS ON FIRST READING

Article III, Section 5 of the Texas Constitution and Senate Rule 7.07(b) having been suspended, the following bills were introduced, read first time and referred to the Committee indicated:

S.B. 1492 by Glasgow	Economic Development Subcommittee on Insurance
Relating to the reform of the insurance code and the regulation of insurance; to the creation, powers, and duties of the Insurance Rate Commission of Texas, the Consumer Insurance Control Bureau of Texas, and the Databank of Insurance Research of Texas; creating funds; creating offenses and providing penalties; providing for taxes and fees; and making appropriations.	
S.B. 1514 by Carriker	Intergovernmental Relations
Relating to authorizing certain counties to spend general revenue funds or issue bonds for the financing of wastewater treatment and water distribution systems within the county.	
S.B. 1515 by Brooks	Natural Resources
Relating to construction and operation of certain hazardous waste facilities.	
S.B. 1516 by Sims	Natural Resources
Relating to the terms of directors of the Sutton County Underground Water Conservation District.	
S.B. 1517 by Brooks	Health and Human Services
Relating to requiring immunization of certain students and access to certain records in case of an emergency or epidemic.	
S.B. 1518 by Barrientos	Jurisprudence
Relating to the enforceability of personal property tax liens.	

(President in Chair)

GUESTS PRESENTED

Senator Ratliff was recognized and introduced a delegation from Mount Pleasant.

The Senate welcomed these guests.

GUESTS PRESENTED

Senator Brown, joined by Senators Armbrister and Ellis, was recognized and introduced the delegation from Fort Bend County here in celebration of "Fort Bend County Day."

The Senate welcomed these guests.

An enrolled copy of S.R. 528, previously adopted by the Senate on Monday, April 15, 1991, was presented by the President to Fort Bend County Judge Roy Cordes in honor of the occasion.

GUESTS PRESENTED

Senator Krier was recognized and introduced students from Antonian Preparatory High School and The University of Texas at San Antonio.

The Senate welcomed these students.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
April 16, 1991

TO THE SENATE OF THE SEVENTY-SECOND LEGISLATURE,
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

TO BE JUDGE OF THE CRIMINAL DISTRICT COURT OF DALLAS COUNTY, until the next General Election and until her successor shall be duly elected and qualified:

JAN ELIZABETH HEMPHILL
6415 Prestoncrest
Dallas, Texas 75230

Ms. Hemphill will be replacing Judge Ron Chapman, who was elevated to the position of Justice of the Fifth Court of Appeals.

Respectfully submitted,
/s/Ann W. Richards
Governor of Texas

(Senator Sibley in Chair)

HOUSE BILL 991 REREFERRED

On motion of Senator Lucio and by unanimous consent, H.B. 991 was withdrawn from the Committee on Health and Human Services and rereferred to the Committee on State Affairs.

(President in Chair)

GUESTS PRESENTED

Senator Dickson was recognized and introduced a group of students from the Gifted and Talented Program of Burnet County.

The Senate welcomed these guests.

SENATE RESOLUTION 542

Senator Sibley offered the following resolution:

S.R. 542, Extending hearty congratulations to the Trinity Valley Community College Cardinal cheerleaders on winning the Division II National Championship.

The resolution was read and was adopted by a viva voce vote.

GUESTS PRESENTED

Upon recognition, Senator Sibley introduced a group of students from the Trinity Valley Community College.

The Senate welcomed these guests.

HOUSE BILL 356 REREFERRED

On motion of Senator Green and by unanimous consent, **H.B. 356** was withdrawn from the Committee on State Affairs and rereferred to the Committee on Intergovernmental Relations.

GUESTS PRESENTED

Senator Johnson was recognized and, joined by Senators Leedom and Harris of Dallas, introduced a group of students from The University of Texas at Dallas.

The Senate welcomed these students.

SENATE BILL 1303 ON SECOND READING

On motion of Senator Johnson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1303, Relating to parts used in repairing a motor vehicle under an insurance policy.

The bill was read second time.

Senator Armbrister offered the following amendment to the bill:

Amend **S.B. 1303** by inserting a new Section 1, amending the existing Section 1, and renumbering subsequent Sections accordingly:

1. **SECTION 1.** Chapter 5, Insurance Code is amended by adding Article 5.07 to read as follows:

Art. 5.07. DISCLOSURE OF CONSUMER INFORMATION. Under an auto insurance policy that is delivered, issued for delivery, or renewed in this state, including a policy issued under an interinsurance or reciprocal exchange, mutual company, mutual association or Lloyd's plan, an insurer may not limit, directly or indirectly, a beneficiary of the policy from selection a person or shop to repair damage to the motor vehicle covered under the policy, unless:

(1) the limitation is clearly and prominently displayed on the face of the policy or certificate in lieu of a policy; and

(2) the insured gives written consent to such a limitation, following both verbal and written notification of any limitation at the time the policy is purchased.

2. Amend the existing **SECTION 1** (which will become **SECTION 2** upon renumbering) by amending the definition of "Aftermarket crash part," Art. 21.79E.(a)(1), to read as follows:

(1) "Aftermarket crash part" means a replacement for any of the nonmechanical sheet metal, glass or plastic parts that generally constitute the exterior of a motor vehicle, including inner and outer panels.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Johnson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

RECORD OF VOTE

Senator Glasgow asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 1303 ON THIRD READING

Senator Johnson moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that S.B. 1303 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Ellis, Green, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Krier, Leedom, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Sibley, Sims, Tejeda, Truan, Turner, Whitmire, Zaffirini.

Nays: Glasgow, Lucio.

The bill was read third time and was passed by a viva voce vote.

RECORD OF VOTES

Senators Glasgow and Lucio asked to be recorded as voting "Nay" on the final passage of the bill.

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The President announced the time had arrived to consider the Executive appointments to agencies, boards and commissions. Notice of submission of these names for consideration was given yesterday by Senator Barrientos.

Senator Barrientos moved confirmation of the nominees reported yesterday by the Committee on Nominations.

The President asked if there were requests to sever nominees.

There were no requests offered.

NOMINEES CONFIRMED

The following nominees as reported by the Committee on Nominations were confirmed by the following vote: Yeas 31, Nays 0.

Judge of the Court of Criminal Appeals: JUSTICE FORTUNATO P. BENAVIDES, Nueces County.

Members, Board of Directors, Lower Colorado River Authority: BURTON B. LE TULLE, Matagorda County; CECIL B. LONG, Bastrop County.

COMMITTEE SUBSTITUTE

SENATE BILL 645 ON SECOND READING

On motion of Senator Moncrief and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 645, Relating to the disposition of certain unclaimed property.

The bill was read second time.

Senator Moncrief offered the following amendment to the bill:

Amend **C.S.S.B. 645** as follows:

1. Strike Sections 7 and 8 in their entirety by deleting line 70 on page 2 through line 20 on page three.

2. Add the following as a new Section 12 and renumber subsequent sections accordingly:

Add (new) SECTION 12. Section 73.004, Property Code, to read as follows:

Sec. 73.004. Drafts, Checks and Similar Instruments.

(a) In this section "draft" includes a check, cashier's check, certified check, registered check, and any other similar instrument. A "draft" is presumed to be abandoned on the latest of:

(1) the third anniversary of the date on which the draft was payable;

(2) the third anniversary of the date on which the holder of the draft last received from the owner of the draft written communication concerning the draft; or

(3) according to the knowledge and records of the holder of the draft, a claim to the draft has not been asserted or an act of ownership of the draft has not been exercised for three years from the date of issuance.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Moncrief and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 645 ON THIRD READING

Senator Moncrief moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **C.S.S.B. 645** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 1119 ON SECOND READING

On motion of Senator Haley and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1119, Relating to the open meetings requirements applicable to school board deliberations on certain matters.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1119 ON THIRD READING**

Senator Haley moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 1119 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1401 ON SECOND READING

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1401, Relating to the warning that must be provided to a child by a juvenile court.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 1401 ON THIRD READING

Senator Ellis moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **S.B. 1401** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE JOINT RESOLUTION 21 ON SECOND READING**

On motion of Senator Montford and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.J.R. 21, Proposing a constitutional amendment authorizing the legislature to submit debt questions to the voters of this state in proposition form.

The resolution was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE JOINT RESOLUTION 21 ON THIRD READING**

Senator Montford moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **C.S.S.J.R. 21** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The resolution was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 259 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 259, Relating to the establishment of a sexual offender registration program; providing a penalty.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 259 ON THIRD READING**

Senator Zaffirini moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **C.S.S.B. 259** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Harris of Tarrant, Henderson, Johnson, Krier, Leedom, Lucio, Lyon, Montford, Parker, Ratliff, Rosson, Sibley, Sims, Tejeda, Truan, Turner, Whitmire, Zaffirini.

Nays: Harris of Dallas, Moncrief.

The bill was read third time and was passed by a viva voce vote.

RECORD OF VOTES

Senators Glasgow, Harris of Dallas and Moncrief asked to be recorded as voting "Nay" on the final passage of the bill.

**COMMITTEE SUBSTITUTE
SENATE BILL 382 ON SECOND READING**

On motion of Senator Carriker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 382, Relating to the continuation and functions of the State Aircraft Pooling Board.

The bill was read second time.

Senator Carriker offered the following amendment to the bill:

Amend **C.S.S.B. 382**, Section 11, Sec. 10A by striking "September 1, 2003" and inserting "December 31, 1991."

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Carriker and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 382 ON THIRD READING**

Senator Carriker moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 382 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 583 ON SECOND READING**

On motion of Senator Lyon and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 583, Relating to the Role of the Family in Reducing Recidivism Advisory Committee to the institutional division of the Texas Department of Criminal Justice and the Texas Youth Commission, and to the duties of that committee.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 583 ON THIRD READING**

Senator Lyon moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 583 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 695 ON SECOND READING**

On motion of Senator Carriker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 695, Relating to the sale of medicare supplement insurance policies by certain insurance agents and to education and information requirements concerning those policies; providing a penalty.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 695 ON THIRD READING**

Senator Carriker moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 695 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0, Present-not voting 1.

Present-not voting: Truan.

The bill was read third time and was passed by a viva voce vote.

RECORD OF VOTE

Senator Truan asked to be recorded as voting "Present-not voting" on the final passage of the bill.

(Senator Truan in Chair)

COMMITTEE SUBSTITUTE SENATE BILL 440 ON SECOND READING

Senator Lyon asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 440, Relating to the designation of a portion of dues in certain employee organizations as contributions to the organization's political committee.

There was objection.

Senator Lyon then moved to suspend the regular order of business and take up **C.S.S.B. 440** for consideration at this time.

The motion prevailed by the following vote: Yeas 21, Nays 7.

Yeas: Barrientos, Brown, Carriker, Ellis, Glasgow, Green, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Lucio, Lyon, Moncrief, Parker, Rosson, Tejada, Truan, Turner, Whitmire, Zaffirini.

Nays: Armbrister, Bivins, Krier, Leedom, Ratliff, Sibley, Sims.

Absent: Brooks, Dickson, Montford.

The bill was read second time.

Senator Henderson offered the following amendment to the bill:

Amend **C.S.S.B. 440** on line 46 by adding after the word committee "and with the written consent of the individual member".

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Lyon and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

RECORD OF VOTES

Senators Leedom and Sims asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 440 ON THIRD READING

Senator Lyon moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **C.S.S.B. 440** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 4.

Yeas: Barrientos, Brooks, Brown, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Krier, Lucio, Lyon,

Moncrief, Parker, Ratliff, Rosson, Sibley, Tejeda, Truan, Turner, Whitmire, Zaffirini.

Nays: Armbrister, Bivins, Leedom, Sims.

Absent: Montford.

The bill was read third time and was passed by a viva voce vote.

RECORD OF VOTES

Senators Leedom, Sims, Armbrister, Ratliff, Harris of Dallas, Bivins, Sibley and Krier asked to be recorded as voting "Nay" on the final passage of the bill.

COMMITTEE SUBSTITUTE SENATE BILL 709 ON SECOND READING

On motion of Senator Harris of Dallas and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 709, Relating to the location at which a bank may operate an unmanned teller machine.

The bill was read second time and was passed to engrossment by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 709 ON THIRD READING

Senator Harris of Dallas moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **C.S.S.B. 709** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

(President in Chair)

SENATE BILL 710 ON SECOND READING

On motion of Senator Harris of Dallas and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 710, Relating to branch banking.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 710 ON THIRD READING

Senator Harris of Dallas moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **S.B. 710** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 858 ON SECOND READING

On motion of Senator Harris of Dallas and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 858, Relating to the payment for a certified court reporter's charges for a deposition.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 858 ON THIRD READING

Senator Harris of Dallas moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **S.B. 858** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 860 ON SECOND READING**

On motion of Senator Harris of Tarrant and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 860, Relating to the merger, reorganization, or conversion of state or federal savings banks, state or federal savings and loan associations, and state banks.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 860 ON THIRD READING**

Senator Harris of Tarrant moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **C.S.S.B. 860** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Johnson.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

SENATE BILL 907 ON SECOND READING

On motion of Senator Johnson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 907, Relating to the provision of liability insurance coverage by state agencies for certain programs administered by those agencies.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 907 ON THIRD READING

Senator Johnson moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that S.B. 907 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1168 ON SECOND READING**

On motion of Senator Leedom and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1168, Relating to the definition of a state agency for purposes of internal auditing; and the qualifications of internal auditors.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1168 ON THIRD READING**

Senator Leedom moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 1168 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1200 ON SECOND READING**

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1200, Relating to agreements or decisions and actions concerning a planned unit development district in a municipality's extraterritorial jurisdiction.

The bill was read second time.

Senator Barrientos offered the following amendment to the bill:

Amend C.S.S.B. 1200 by adding a new SECTION 2 and renumbering subsequent sections:

"SECTION 2. Except for an ordinance or other act of a city pursuant to Section 42.046 of the Local Government Code or an agreement made pursuant to that Section, this act does not affect the ability of a person to appeal, under Subsection (d), Section 26.177 of the Water Code, an ordinance or other act of a city relating to water pollution control and abatement outside the corporate limits of such city."

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Barrientos and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1200 ON THIRD READING**

Senator Barrientos moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.B. 1200 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 788 ON SECOND READING

On motion of Senator Sims and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 788, Relating to the effective tax rate in certain municipalities that impose a mass transit sales and use tax.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 788 ON THIRD READING

Senator Sims moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that S.B. 788 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0, Present-not voting 1.

Present-not voting: Sibley.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1, Present-not voting 1.

Yeas: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Ellis, Green, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Krier, Leedom, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Sims, Tejeda, Truan, Turner, Whitmire, Zaffirini.

Nays: Glasgow.

Present-not voting: Sibley.

**COMMITTEE SUBSTITUTE
SENATE BILL 1337 ON SECOND READING**

On motion of Senator Moncrief and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1337, Relating to the authority of state agencies to purchase service and achievement awards for volunteers.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1337 ON THIRD READING**

Senator Moncrief moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 1337 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1360 ON SECOND READING**

On motion of Senator Leedom and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1360, Relating to the use of bond proceeds received by an issuer.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1360 ON THIRD READING**

Senator Leedom moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 1360 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1361 ON SECOND READING**

On motion of Senator Leedom and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1361, Relating to the issuance of anticipation notes by counties and municipalities.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1361 ON THIRD READING**

Senator Leedom moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 1361 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

**NOTICE OF SESSION TO HOLD
LOCAL AND UNCONTESTED BILLS CALENDAR**

Senator Haley announced that a Local and Uncontested Bills Calendar had been placed on the Members' desks and gave notice that a Local and Uncontested

Bills Calendar would be held at 7:30 a.m. Thursday, April 18, 1991, and that all bills would be considered on second reading in the order in which they are listed.

MEMORIAL RESOLUTIONS

S.R. 533 - By Glasgow: In memory of esteemed civic leader and newspaper publisher Norma Crawford of Granbury.

S.R. 534 - By Glasgow: In memory of Raymond Gafford of Fort Worth.

S.R. 535 - By Glasgow: In memory of A. T. "Dutch" Krauss of Crowley.

S.R. 537 - By Glasgow: In memory of Jimmy D. Pruitt of Alvord.

S.R. 538 - By Glasgow: In memory of Mary Ellen Kirkham of Cleburne.

S.R. 539 - By Glasgow: In memory of D. D. "Doc" Nicks of Stephenville.

S.R. 540 - By Glasgow: In memory of Chelsea Dell Reed of Dublin.

S.R. 541 - By Glasgow: In memory of Dr. John D. Williams of Denton.

CONGRATULATORY RESOLUTIONS

H.C.R. 155 - (Glasgow): Extending congratulations to Gailard and Faye Benham on their 50th wedding anniversary.

H.C.R. 199 - (Ratliff): Declaring April 16, 1991, to be Mount Pleasant Day in Texas.

H.C.R. 200 - (Ratliff): Extending congratulations to the Tiger Dolls of Mount Pleasant High School on their prize-winning performances at the Showtime Drill Team Competition.

S.R. 531 - By Lyon: Joining with the Texas Narcotics Officers Association in recognizing Overton High School's D-FY-IT (Drug-Free Youth in Texas).

S.R. 532 - By Turner: Recognizing the class of 1941 of Stephen F. Austin High School of Bryan on the occasion of their 50 year reunion to be held the weekend of May 24, 1991.

S.R. 536 - By Glasgow: Recognizing Bridgeport Middle School for its selection by the Texas Education Agency as one of 18 Texas schools with outstanding drug abuse prevention programs.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 12:33 p.m. adjourned until 11:00 a.m. tomorrow.

APPENDIX

Sent to Governor
(April 16, 1991)

S.C.R. 26

S.C.R. 91

S.B. 114

S.B. 152

S.B. 172

S.B. 369

S.B. 449